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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) CASE NO. 3:15-CR-533 RS
16 Plaintiff,)
17 v.) STIPULATION AND
18 CARY COLLINS,) ORDER CHANGING DATE FOR SENTENCING
19 Defendant.) AND EXCLUDING TIME
20) UNDER THE SPEEDY TRIAL ACT
21 _____)
22 _____)
23 _____)
24 _____)
25 _____)
26 _____)
27 _____)
28 _____)

18 The parties, with the consent of the defendants, hereby stipulate as follows:

19 1. The status hearing for severed Count Nine, which remains pending against the defendant,
20 has been set for the same day as the sentencing hearing for Counts Four and Eight in this case. Should
21 the sentencing hearing for Counts Four and Eight has been moved to June 26, 2018, the parties hereby
22 stipulate that:

23 a. The status hearing for Count Nine be moved to the same date and time as the sentencing
24 hearing for Counts Four and Eight on June 26, 2018.

25 b. The parties jointly and respectfully request that the Court issue the proposed order
26 excluding time under the Speedy Trial Act based on the following:

27 i. The United States has provided the defendant with discovery materials regarding
28 severed Count Nine, and the defendant requires additional time to review the

1 discovery and to prepare effectively with defense counsel. A delay regarding
2 severed Count Nine is also appropriate based on the delay resulting from the trial
3 proceedings that were previously pending and that related to Counts One through
4 Eight against the defendant.

5 ii. There is good cause to exclude time under the Speedy Trial Act as the ends of
6 justice from such an exclusion outweigh the best interest of the public and the
7 defendant in a speedy trial. Specifically, such an exclusion provides defense
8 counsel reasonable time for effective preparation, taking into account due
9 diligence. 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv). Additionally, such an
10 exclusion is appropriate as the delay results from the trial proceedings that have
11 been pending and that have related to other charges against the defendant. 18
12 U.S.C. § 3161(h)(1)(B).

13 IT IS SO STIPULATED.

14 DATED: April 18, 2018

/s/ with permission
15 ELIZABETH MEYER FALK
Counsel for Defendant Collins

17 ALEX G. TSE
18 Acting United States Attorney

19 DATED: April 18, 2018

/s/ Jeffrey Shih
20 JEFFREY SHIH
Assistant United States Attorney

1 **[PROPOSED] ORDER CHANGING DATE FOR STATUS HEARING AND**
2 **EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT**

3 Based on the stipulation of the parties, the consent of the defendant, and on good cause shown,
4 the Court orders that the status hearing for Count Nine is set for the same day as the sentencing hearing
5 for Counts Four and Eight on June 26, 2018.

6 Additionally, the time period from the date of this Order, through and including the June 26,
7 2018, is excluded under the Speedy Trial Act. The Court bases this exclusion of time and makes the
8 findings as stipulated by the parties above.

9 IT IS SO ORDERED.

10 Dated: April 18, 2018



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE